

REMARKS

I. STATUS OF CLAIMS, SPECIFICATION, AND DRAWINGS

Claims 1-7 are now pending.

Claims 1-7 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 4-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Widdrington, USP 3,252,349 ("Widdrington") in view of Kiernan, USP 3,407,681 ("Kiernan").

Claims 2 and 3 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Widdrington, USP 3,252,349 in view of Kiernan, USP 3,407,681 and further in view of CN 99222132.3 (cited by Applicant) ("Pang").

The drawings are objected to under 37 CFR 1.83(a).

II. ISSUES TO BE REVIEWED

The issues addressed in this response relate to: 1) whether the drawings are properly objected to; 2) whether the claims comply with 35 U.S.C. 112, second paragraph; and 3) whether the art of record establishes a *prima facie* case of the unpatentability of Applicant's Claims 1-7. For reasons set forth elsewhere herein, Applicant respectfully asserts that the art of record does not establish a *prima facie* case of the unpatentability of any pending claim. Accordingly, Applicant respectfully requests that Examiner hold all Claims allowable for at least the reasons described herein, and issue a Notice of Allowance on same.

III. ARGUMENT: DRAWINGS COMPLY WITH 37 CFR 1.83(A)

The Examiner has stated "The drawings must show every feature of the invention specified in the claims. Therefore, the output shaft (clm 1, no reference character provided), an elastic rib cross section being rectangular, groove shaped, T-shaped, I -shaped or circular (clm 3), a free rotating angle (clm 7) must be shown or the feature(s) canceled from the claim(s)."

Replacement FIGs. 2 and 7 have been provided which particularly reference the "output shaft" with a reference number **16**. The paragraphs [0004], [0020], and [0021] have been amended to reflect the same.

Claim 3 has been amended to remove the recitation of "an elastic rib cross section being rectangular, groove shaped, T-shaped, I -shaped or circular."

Claim 7 has been amended to remove the recitation of "a free rotating angle."

Accordingly, Applicant respectfully requests that the Examiner withdraw the objections to the drawings and hold all claims to be allowable over the art of record.

IV. ARGUMENT: THE CLAIMS COMPLY WITH 35 U.S.C. 112, SECOND PARAGRAPH

The Examiner has stated "Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Re clm 1, the claim recites the limitation "parallel keys" but does not provide a frame of reference for parallel. What are the keys parallel with? Re clm 4, the claim recites "the shaft coupling is of an integral type or separable type." It is not clear what the shaft coupling is integral or separable with. What is the shaft coupling integral or separable with, is it the bull gear, the rotor, both, or some other feature? Re clm 7, the claim recites the limitation "a free rotating angle."

It is not understood what part the Applicant is referencing as the free rotating angle. What is a free rotating angle and where is it located in the drawings?"

Claim 1 has been amended to remove the recitation "parallel."

Claim 4 has been canceled.

Claim 7 has been amended to remove the recitation "a free rotating angle."

V. ARGUMENT: ART OF RECORD DOES NOT ESTABLISH PRIMA FACIE CASE OF UNPATENTABILITY

Examiner has stated "Claims 1 and 4-7, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Widdrington, USP 3,252,349 in view of Kiernan, USP 3,407,681...Claims 2 and 3, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Widdrington, USP 3,252,349 in view of Kiernan, USP 3,407,681 and further in view of CN 99222132.3 (cited by Applicant)." *See Examiner's Office Action*, pp. 4 and 6 (2 July 2008).

In response, Applicant respectfully asserts herein that, under the MPEP and legal standards for patentability, the art of record does not establish a *prima facie* case of the unpatentability of Applicant's claims at issue. Specifically, Applicant respectfully shows below that the art of record does not teach or suggest Applicant's claims at issue, and hence fails to establish a *prima facie* case of unpatentability. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections and hold all claims to be allowable over the art of record.

A. INDEPENDENT CLAIM 1

Independent Claim 1 has been amended to incorporate the recitations of Dependent Claim 2. Independent Claim 1, as amended, recites: "An elastic

couple rotor turning gear, characterized in that (a) an elastic support (5) is mounted on a frame (6) of a driven device, the elastic support including an upper ring (51) and a lower ring (52), the upper ring being connected to the lower ring through a plurality of elastic ribs (53), (b) a casing (4) with a U-shaped cross section being connected to the elastic support for providing an elastic connection between the frame (6) of the driven device and the elastic couple rotor turning gear, a casing cover (3) being firmly fixed on the casing, (c) a speed reducer (2) and an electric motor (1) being installed evenly or symmetrically positioned at an angle of 180°, (d) an output shaft of the speed reducer extending into the casing (4) under the casing cover (3), (d) the output shaft having a pinion gear (7) mounted thereon and meshed with a gear body (81) of a bull gear (8) positioned in the casing, (i) the bull gear being connected to a shaft coupling (9) through keys (10) via a key seat (83) or an upright post (84), and (ii) the shaft coupling (9) being fixed on a rotor (12) of the driven device.”¹

1) TECHNICAL MATERIAL CITED BY EXAMINER DOES NOT TEACH OR SUGGEST AT LEAST INDEPENDENT CLAIM 1.

As set forth above, Independent Claim 1 recites as follows: “An elastic couple rotor turning gear, characterized in that...elastic support including an upper ring (51) and a lower ring (52), the upper ring being connected to the lower ring through a plurality of elastic ribs (53)...”

With respect to claim 2, Examiner has stated, “Widdrington in view of Kiernan does not disclose that the elastic support includes an upper ring and a lower ring, the upper ring being connected to the lower ring through a plurality of elastic ribs and wherein the plurality of elastic ribs are made of an elastic material with a rectangular, groove-shaped, T-shaped, I-shaped or circular cross section. CN 99222132.3 teaches an elastic support which includes an upper ring (to the right of 4 in Figure 1) and a lower ring (to the left of 4 in Figure 1), the upper ring being connected to the lower ring through a plurality of

¹The lettering of the clauses herein is merely for sake of clarity of argument and should not be

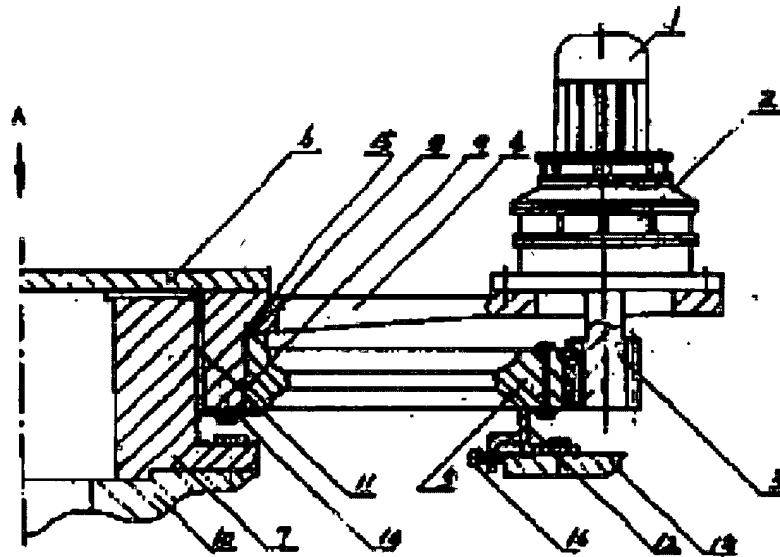
elastic ribs (at 4) and wherein the plurality of elastic ribs are made of an elastic material with a rectangular, groove-shaped, T-shaped, I-shaped or circular cross section (a rectangular cross section is shown in figure 1).” See *Examiner’s Office Action*, p. 8 (2 July 2008).

2) EXAMINER CITATIONS WITH REGARD TO CLAUSE [A] OF INDEPENDENT CLAIM 1:

Applicant has reviewed the Examiner-cited portions of Pang and is unable to locate a teaching or suggestion of all claim elements of Claim 1 (for example, clause [a] reciting “elastic support including an upper ring (51) and a lower ring (52), the upper ring being connected to the lower ring through a plurality of elastic ribs (53).” (Emphasis added)

The Examiner has stated that Pang “includes an upper ring (to the right of 4 in Figure 1) and a lower ring (to the left of 4 in Figure 1).” See *Examiner’s Office Action*, p. 8 (2 July 2008).

Pang recites as follows:



taken to imply any particular ordering of the clauses.

Applicant respectfully submits that the Examiner's assertions regarding the teaching of Pang are extremely vague as the Examiner has failed to specifically identify any structure which could be viewed as reading on Claim 2. As there are numerous structures of Pang "to the right of 4 in Figure 1" and to the "left of 4 in Figure 1," Applicant is left to guess as to which element the Examiner is referring to. For that reason alone, the Examiner has not established a *prima facie* case of unpatentability of Independent Claim 1. Applicant respectfully asks Examiner to hold Independent Claim 1 allowable and to issue a Notice of Allowance of same.

Further, as can be seen above, the portion of Pang cited by the Examiner fails to show "an upper ring (51) and a lower ring (52), the upper ring being connected to the lower ring through a plurality of elastic ribs." As the alleged "elastic rib" of Pang (e.g. referenced element 4) is configured in a horizontal position, it does not stand to reason that rings disposed at either end of element 4 could properly be viewed as "upper" and "lower" as presently recited in Claim 1.

As such, the Examiner has failed to establish a *prima facie* case of unpatentability for claim 1 as the combination of Widdrington, Kiernan and Pang fails to teach or suggest all claim elements of Applicant's claim 1, specifically, the "an upper ring (51) and a lower ring (52), the upper ring being connected to the lower ring through a plurality of elastic ribs."

Applicant respectfully points out that the Applicant's Application is the only objective examiner-cited document of record that shows or suggests what Examiner purports the reference to teach. From this and Pang's express recitations (see above), it follows that Examiner is interpreting Widdrington, Kiernan and Pang through the lens of Applicant's application, which is impermissible hindsight use. Thus, at present, Examiner's assertions regarding Pang are untenable.

Accordingly, under the MPEP standards as set forth above, the Examiner has not established a *prima facie* case that art of record anticipates Independent Claim 1. Applicant respectfully asks Examiner to hold Independent Claim 1 allowable and to issue a Notice of Allowance of same.

B. DEPENDENT CLAIMS 3 AND 5-7: PATENTABLE FOR AT LEAST REASONS OF DEPENDENCY FROM INDEPENDENT CLAIM 1

Claims 3 and 5-7 depend either directly or indirectly from Independent Claim 1. "A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers." See 35 U.S.C. § 112 paragraph 4. Consequently, Dependent Claims 3 and 5-7 are patentable for at least the reasons why Independent Claim 1 is patentable. Accordingly, Applicant respectfully requests that Examiner hold Dependent Claims 3 and 5-7 patentable for at least the foregoing reasons, and issue a Notice of Allowance on same.

VI. CONCLUSION

Applicant may have, during the course of prosecution, cancelled and/or amended one or more claims. Applicant notes that any such cancellations and/or amendments will have transpired (i) prior to issuance and (ii) in the context of the rules that govern claim interpretation during prosecution before the United States Patent and Trademark Office (USPTO). Applicant notes that the rules that govern claim interpretation during prosecution form a radically different context than the rules that govern claim interpretation subsequent to a patent issuing. Accordingly, Applicant respectfully submits that any cancellations and/or amendments during the course of prosecution should be held to be tangential to and/or unrelated to patentability in the event that such cancellations and/or amendments are viewed in a post-issuance context under post-issuance claim interpretation rules.

Insofar as that the Applicant may have, during the course of prosecution, cancelled/amended claims sufficient to obtain a Notice of Allowability of all claims pending, Applicant may not have, during the course of prosecution, explicitly addressed all rejections and/or statements in Examiner's Office Actions. The fact that rejections and/or statements may not be explicitly addressed during the course of prosecution should NOT be taken as an admission of any sort, and Applicant hereby reserves any and all rights to contest such rejections and/or statements at a later time. Specifically, no waiver (legal, factual, or otherwise), implicit or explicit, is hereby intended (e.g., with respect to any facts of which Examiner took Official Notice, and/or for which Examiner has supplied no objective showing, Applicant hereby contests those facts and requests express documentary proof of such facts at such time at which such facts may become relevant). For example, although not expressly set forth during the course of prosecution, Applicant continues to assert all points of (e.g. caused by, resulting from, responsive to, etc.) any previous Office Action, and no waiver (legal, factual, or otherwise), implicit or explicit, is hereby intended. Specifically, insofar as that Applicant does not consider the cancelled/unamended claims to be unpatentable, Applicant hereby gives notice that it may intend to file and/or has filed a continuing application in order prosecute such cancelled/unamended claims.

With respect to any cancelled claims, such cancelled claims were and continue to be a part of the original and/or present patent application(s). Applicant hereby reserves all rights to present any cancelled claim or claims for examination at a later time in this or another application. Applicant hereby gives public notice that any cancelled claims are still to be considered as present in all related patent application(s) (e.g. the original and/or present patent application) for all appropriate purposes (e.g., written description and/or enablement). Applicant does NOT intend to dedicate the subject matter of any cancelled claims to the public.

The Examiner is invited to contact the undersigned at (402) 496-0300 with any issues that may advance prosecution of the application.

Respectfully submitted,

DATED: 10-31-08

A handwritten signature in black ink, appearing to read 'S. Ringenberg', written over a horizontal line.

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Enclosures:

Postcard

Petition – Extension of Time (1-month)

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